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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/813,801	03/30/2004	Peter Serno	Le A 35249C1

CONFIRMATION NO. 7555

## FORMALITIES LETTER



\*OC000000012996900\*

35969

JEFFREY M. GREENMAN  
 BAYER PHARMACEUTICALS CORPORATION  
 400 MORGAN LANE  
 WEST HAVEN, CT 06516

Date Mailed: 06/22/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$380** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1280** for a Large Entity

- \$770** Statutory basic filing fee.
- \$130** Late oath or declaration Surcharge.

08/05/2004 FFANAIAR2 00000052 133372 10813801  
 01 FC:1001 770.00 DA  
 02 FC:1202 90.00 DA  
 03 FC:1203 290.00 DA

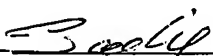
- Total additional claim fee(s) for this application is **\$380**

- \$90 for 5 total claims over 20.
- \$290 for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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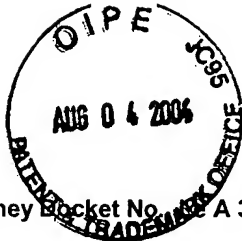
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



**ORIGINAL**

Attorney Pocket No. A 35 249C1

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

U.S. Application Serial Number: 10/813,801

Filing Date: 03/30/2004

First Named Inventor: Peter Serno

Title: Imidazotriazinone-containing Compositions for Nasal Drug Delivery

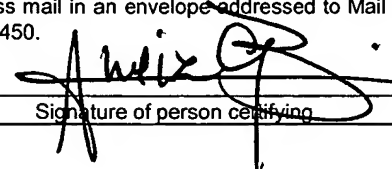
Customer No.: 35969

Confirmation No.: 7555

**CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence and any papers referred to as attached are being deposited, on the date shown below, with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: AUG 02 2004

  
Signature of person certifying

**Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION  
FILED UNDER 37 CFR 1.53(b)**

This replies to the Notice to File Missing Parts of Nonprovisional Application mailed to applicants on 06/22/2004. A copy of the Notice to File Missing Parts is enclosed.

In the Notice to File Missing Parts applicants have been asked to submit the following outstanding fees:

- \$770.00 statutory basic filing fee;
- \$130.00 surcharge fee for late filing of oath or declaration; and
- \$380 fee for additional claims.

Applicants wish to clarify for the record that upon filing of this application on 03/30/2004, applicants submitted a Fee Transmittal (Form PTO/SB/17) authorizing the Commissioner to charge Deposit Account 13-3372 the total amount of **\$1,232.00** for the fees described below:

- \$770 statutory basic filing fee; and
- \$462.00 total claims fee.

In addition to the payment of fees, applicants submitted a copy of the Declaration and Power of Attorney from parent application, USSN 10/122,694 under 37 C.F.R. 1.63(d).

Applicants submit copies of the following documents, which were originally submitted on 03/30/2004:

- Returned itemized postcard bearing the USPTO date stamp;
- Utility Patent Application Transmittal (Form PTO/SB/05) indicating submission of a Fee Transmittal and copy of the declaration from parent application, USSN 10/122,694; and
- Fee Transmittal (Form PTO/SB/17) authorizing the Commissioner to charge Deposit Account No. 13-3372 the total amount of \$1,232.00.

#### **ADDITIONAL CLAIMS FEE(S)**

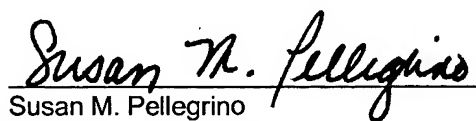
Applicants submit additional claims fee(s) for this application in the amount of **\$380.00** as described below:

- \$90.00 for 5 total claims over 20; and
- \$290 for multiple dependent claim surcharge.

#### **PAYMENT OF FEES**

The Commissioner is hereby authorized to charge Deposit Account No. 13-3372 in the amount of **\$380.00** for the matters indicated above. The Commissioner is also authorized to charge any additional fees, any underpayment of fees, and credit any overpayment to the above deposit account. A duplicate of this request is attached.

Respectfully submitted,

  
Susan M. Pellegrino  
Attorney for Applicant(s)  
Bayer Pharmaceuticals Corporation  
400 Morgan Lane  
West Haven, CT 06516-4175

Date: July 30, 2004

Registration No. 48,972

Phone: (203) 812-6450

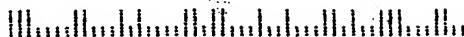


Jill Durante  
Bayer Pharmaceuticals Corp.  
Law & Patents  
C32-3B  
400 Morgan Lane  
West Haven, CT 06516



OB  
4/15/04

43



22581 U.S. PTO  
10/813801



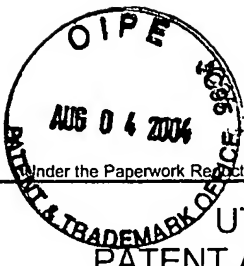
The U.S. Patent & Trademark Office date stamp hereon will acknowledge receipt of the following in Re the application of **Peter Serno, et al.**, Serial No. [to be assigned]; filed: herewith, entitled **"Imidazotriazinone-Containing Compositions for Nasal Administration."**

- Utility Patent Application Transmittal;
- Fee Transmittal [IN DUPLICATE];
- Application Data Sheet (4 Pages);
- Copy of Declaration and Power of Attorney from prior application, U.S. Serial No. 10/122,694;
- Copy of prior application, U.S. Serial No. 10/122,694, consisting of 24 pages of specification, 8 pages of claims, and 1 page of abstract;
- Transmittal of Information Disclosure Statement under 37 C.F.R. 1.97(b);
- Information Disclosure Citation (Form PTO-1449); and
- Return Receipt Postcard

Date of Deposit: March 30, 2004  
Express Mail Label No. EL844820195US

Docket No. Le A 35 249C1  
SMP/jd

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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	Le A 35 249C1
	First Inventor	Peter SERNO
	Title	Imidazotriazinone-Containing Compositions for Nasal Administration
	Express Mail Label No.	EL844820195US

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450
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1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 33]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table,  
or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets \_\_\_\_\_]
5. Oath or Declaration [Total Sheets \_\_\_\_\_]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
name in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper
  - c. ☐ Statements verifying identity of above copies

#### ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☒ Power of  
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☐ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/122,694

Prior application information:

Examiner: Mina Haghighatian

Art Unit: 1616

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

#### 19. CORRESPONDENCE ADDRESS

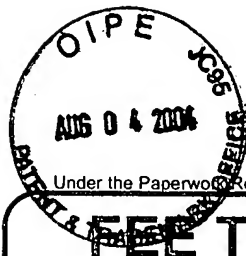
☒ Customer Number: 35969 OR ☒ Correspondence address below

Name	Jeffrey M. Greenman				
Address	Vice President, Patents and Licensing Bayer Pharmaceuticals Corporation, 400 Morgan Lane				
City	West Haven	State	CT	Zip Code	06516
Country	US	Telephone	(203) 812-6450	Fax	(203) 812-6459

Name (Print/Type)	Susan M. Pellegrino	Registration No. (Attorney/Agent)	48, 972
Signature	<i>Susan M. Pellegrino</i>	Date	03/30/04

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 1,232.00

## Complete if Known

Application Number  
Filing Date  
First Named Inventor Peter SERNO  
Examiner Name  
Art Unit  
Attorney Docket No. Le A 35 249C1

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number  
Deposit Account Name

13-3372

Jeffrey Greenman

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ ) 770.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Total Claims	Extra Claims	Fee from below	Fee Paid
	20	-20** = 0	X 18.00	= 0.00
Independent Claims	5	-3** = 2	X 86.00	= 172.00
Multiple Dependent			290.00	= 290.00

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 462.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ )

## SUBMITTED BY

Name (Print/Type)	Susan M. Pellegrino	Registration No. (Attorney/Agent)	48,972	Telephone	(203) 812-64
Signature	<i>Susan M. Pellegrino</i>	Date	March 30, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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